IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 18781 of 2003

Between:

K. Usha Rani, w/o K.V.Subbaiah
r/o Gayathri Nagar, Dargah Mitta, Nellore, Nellore District.

..... PETITIONER

AND

1 The Registrar (Administration), High Court of A.P., Hyderabad.
2 The Govt., of Andhra Pradesh, rep., by its Secretary, Medical and

Health Department, Secretariat Buildings, Hyderabad.
3 The Director of Medical Education, Department of Medical and Health,

Govt., of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in issuing proceedings dt.6-5-2003 and consequential proceedings dt.30-6-2003 issued by the respondents as illegal, arbitrary and consequently set aside the same by declaring that the writ petitioner is entitled for re-embursement of medical claim.

Counsel for the Petitioner:SMT.CHINTALAPUDI LAKSHMI KUMARI

Counsel for the Respondent No.1: SMT.M.BHASKARA LAKSHMI (SC FOR APHC) Not present

Counsel for the Respondent Nos.2 and 3: The Govt. Pleader for Medical and Health.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioner was working as Typist in the Court of the Special Judge for SPE and ACB Cases, Nellore. On 23rd May, 2001, her son aged about 9 years, fell from the cot and sustained injury to his left kidney. He had to be taken to a child specialist and on his advice, the child was taken to an Urologist at Bollineni Super Speciality Hospital, Nellore, which at the relevant time, was a private hospital. According to the petitioner, all tests as advised were done and the child had to undergo surgery immediately. Since opinion was rendered that it was not safe to undergo travel by the child, the petitioner did not take her son to a Government hospital or get any referral letter. The child was admitted during the mid night of 23rd May, 2001. Her case for medical reimbursement referred by the first respondent was turned down by the respondent No.3 on the ground that without any reference from the competent authority, treatment obtained in a private hospital was not reimburseable even by imposing 20% cut.

The circumstances as narrated by the petitioner in the writ petition are such that it might be a case for the Government to consider exercising its powers of relaxation as contained in paragraph 5 of G.O.Ms.No.175 dated 29th May, 1977, Health, Medical and Family Welfare (K-I) department.

Accordingly, we dispose of the writ petition with direction to the respondents to consider the case of the petitioner for relaxation since the Head of the Department had considered the petitioner's case to be genuine. Respondent No.1 will make recommendation to the respondent No.3 for considering due relaxation so as to enable the petitioner to get medical reimbursement, especially when the hospital in question now stands notified as a recognized hospital.

_____

DEVINDER GUPTA, CJ

22-7-2004

_____

C.V.RAMULU, J

tvr

To

1 The Registrar (Administration), High Court of A.P., Hyderabad.
2 The Govt., of Andhra Pradesh, rep., by its Secretary, Medical and

Health Department, Secretariat Buildings, Hyderabad.
3 The Director of Medical Education, Department of Medical and Health,

Govt., of A.P., Hyderabad.

4. 2 CCs to the Government Pleader for Medical and Health, High Court

Buildings, Hyderabad (OUT).

5. 2 CD copies.